IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 486 OF 2003

IN

SUMMARY SUIT NO. 254 OF 2001

Smt.Divya J. Shah .. Plaintiff

versus

Shri Manohar D. Jain .. Defendants

...

Mr.Jagdish Shah, Power of Attorney of the plaintiff in person.

Mr.Abhay Kumar Apte i/b P.R. Ghorpade for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 9th March 2005.

P.C.:

1. Heard in person Shri Jagdish Shah, Power of Attorney and husband of the plaintiff.

2. Heard the learned counsel for the defendant. The defendant through his counsel submits that the

defendant is willing to pay the principal sum of Rs.1,00,000/- in instalments. The plaintiff has no objection for receiving only the principal sum without past interest and grant of reasonable instalments. In any event, I am satisfied that the plaintiff is not entitled to interest prior to the date of the suit for there is no agreement to pay interest. In the circumstances, Summons for Judgement is made partly absolute and the suit of the plaintiff is decreed as follows:-

3. The defendant shall pay to the plaintiff a sum of Rs.1,00,000/- together with interest at 9% p.a. from this date till payment. The defendant is granted facility of repaying the the amount by monthly instalments of Rs.5,000/- commencing from April 2005. The first instalment should be paid on or before 10th April 2005 and each subsequent instalment shall be paid on or before 10th day of each British calendar month. In the event of two cumulative defaults, the plaintiff shall be entitled to execute the decree forthwith.

D.G. KARNIK, J